

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF TENNESSEE

IN RE:)	
Mollie Ann McNeese, Debtor,)	Case No: 17-00316
150 Hurt Road)	Chapter 13
Hendersonville, TN 37075)	Judge Harrison
)	
SS# xxx-xx-0974)	
)	

THE DEADLINE FOR FILING A TIMELY RESPONSE IS: March 22, 2018.
IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE: Wednesday, April 4, 2018 AT 8:30 a.m.
In COURTROOM 1, SECOND FLOOR CUSTOMS HOUSE, 701 BROADWAY, NASHVILLE, TN 37203.

NOTICE OF MOTION TO UTILIZE INSURANCE PROCEEDS TO PAY SECURED DEBT

Mollie McNeese has asked the court for the following relief: Motion To Utilize Insurance Proceeds to Pay Secured Debt.

YOUR RIGHTS MAY BE AFFECTED. If you do not want the court to grant the attached motion, or if you want the court to consider your views on the motion or order, then on or before the response date stated above, you or your attorney must:

1. File with the court your response or objection explaining your position. Please note: the Bankruptcy Court for the Middle District of Tennessee requires electronic filing. Any response or objection you wish to file must be submitted electronically. To file electronically, you or your attorney must go to the court website and follow the instructions at: <https://ecf.tnmb.uscourts.gov>.

If you need assistance with Electronic Filing you may call the Bankruptcy Court at (615) 736-5584. You may also visit the Bankruptcy Court in person at: 701 Broadway, 1st Floor, Nashville, TN (Monday - Friday, 8:00 A.M. - 4:00 P.M.).

2. Your response must state the deadline for filing responses, the date of the scheduled hearing, and the motion to which you are responding.

If a response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by viewing the case on the court's website at <https://ecf.tnmb.uscourts.gov>.

If you or your attorney does not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter the attached order granting that relief.

Date: March 5, 2018

Signature: /s/ Eric K. Fox
Name: Eric K. Fox, Attorney for Debtors
Address: 103 Hazel Path Court, Ste. 6
Hendersonville, TN 37075
Telephone: (615) 264-5695
Fax: (615) 264-5655
eric@ericfoxlegal.com

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SSN: XXX-XX-0974)	

MOTION TO UTILIZE INSURANCE PROCEEDS TO PAY SECURED DEBT

Comes now the Debtor, by and through undersigned counsel, and moves the Court for an order to utilize insurance proceeds to pay secured debt associated with said collateral. In support of this motion, Debtor would state as follows:

- 1) The Debtor filed a Petition for Relief with this Court on January 18, 2017.
- 2) The Meeting of Creditors was held on February 28, 2017; and the plan was confirmed on March 2, 2017.
- 3) Calvary SPV, LLC (Calvary) holds a security interest in a 2014 Yamaha Zuma X50 scooter.
- 4) The 2014 Yamaha Zuma X50 scooter was stolen on or around February 12, 2018.
- 5) Progressive Insurance Company holds the insurance proceeds in the amount of \$1,314.39;
- 6) Debtor, by and through counsel, has filed a related motion to modify her plan to apply said proceeds appropriately to the secured claim of Calvary.
- 7) The debtor requests that the insurance proceeds be paid to the Chapter 13 Trustee and dispersed as follows: pay proceeds toward the secured claim (claim #16) of Calvary SPV, LLC; the balance of said claim will continue to be paid through the chapter 13 plan per plan terms.

WHEREFORE, the Debtor respectfully prays that this Honorable Court issue an order,

1. To utilize insurance proceeds to pay secured debt.
2. Directing the Chapter 13 Trustee to disperse the insurance proceeds to pay the secured claim only.

Respectfully submitted on March 5, 2018,

/s/ Eric K. Fox
Eric K. Fox, #022087
Attorney for Debtor
103 Hazel Path Court, Ste. 6
Hendersonville, TN 37075
Telephone: (615) 264-5695
Fax: (615) 264-5655
eric@ericfoxlegal.com

CERTIFICATE OF SERVICE

I do hereby certify that a true and exact copy of the Notice, Motion, and Proposed Order has been forwarded to all ECF registered parties via the court's ECF system, including the Ch. 13 Trustee and the U.S. Trustee, and mailed via the U.S. Postal Service to Cavalry SPV, I, LLC, c/o Bass & Associates, P.C., 3936 E. Ft. Lowell Road, Ste. 200, Tucson, AZ 85712, and Debtor, Mollie Ann McNeese, 150 Hurt Road, Hendersonville, TN 37075, on this the 5th day of March, 2018:

Two (2) addresses at \$1.00 each for a total of \$2.00

/s/ Eric K. Fox
Eric K. Fox, #022087

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PROPOSED ORDER

Whereas, the Debtor, by her attorney, filed a Motion to Utilize Insurance Proceeds to Pay Off Secured Debt. Whereas, no opposition to the Motion was filed per local rule 9013, the plan modification is hereby approved as follows:

1. The Chapter 13 Trustee shall disperse the insurance proceeds from Progressive Insurance in the approximate amount of \$1,314.39 related to secured collateral (2014 Yamaha Zuma X50 scooter) to pay the secured claim to Calvary SPV, LLC only (Court Claim 16), after any applicable Trustee Commission.
2. The remaining balance of above-referenced claim will continue to be paid through Debtor's Chapter 13 plan per plan terms.

IT IS SO ORDERED.

This order was signed and entered electronically as indicated at the top of the first page.

APPROVED FOR ENTRY:

/s/ Eric K. Fox
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